

INUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government

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October 5, 2009

Via Electronic Mail

Hanh Shaw
NPDES Permits Unit
EPA Region 10
1200 6th Ave., Ste. 900, AWT-107
Seattle, WA 98101
shaw.hanh@epa.gov

Re: Notices of Intent to operate under the Arctic NPDES General Permit (AKG-28-0000) for operations in the Chukchi Sea from Shell Offshore Inc. and Shell Gulf of Mexico Inc. and Petition for the Issuance of Individual NPDES Permits.

Dear Mr. Shaw,

The Inupiat Community of the Arctic Slope (ICAS) writes in support of the comments submitted by the North Slope Borough (NSB) regarding Shell Offshore Inc. and Shell Gulf of Mexico Inc.'s (hereafter Shell) Notices of Intent to operate under the General NPDES Permit for Arctic oil and gas activities in the Chukchi Sea. ICAS also joins NSB in petitioning the Environmental Protection Agency (EPA) under 40 C.F.R. § 122.28(b)(3), to issue an individual permit to Shell. Thank you for the opportunity to provide input on Shell's Notices of Intent.

As you know, ICAS is a regional tribal government for eight villages on the North Slope that depend upon marine mammals that live and migrate through the Chukchi and Beaufort Seas. ICAS has a long history of opposition to offshore oil and gas activities in the Arctic because of the well-documented threats to our subsistence activities and the resources that have sustained us since time immemorial. Shell has failed to propose operations that fit within EPA's General Permit and for this reason we ask EPA to analyze all of Shell's proposed discharges and to regulate them pursuant to an individual NPDES permit.

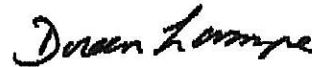
ICAS members depend on the Arctic Ocean and adjacent coastal areas for subsistence, community well being, and cultural traditions and identity. The Arctic Ocean supports a large number of animals, including the bowhead whale, ice seals, walrus, and beluga whale that are critical to the traditional way of life of ICAS members. There is little Western science about the

effects of industrial human activities – including oil and gas leasing, exploration, and development – on species that inhabit the Arctic Ocean, but we are learning that water quality is critical to a proper functioning marine ecosystem.

For these reasons, ICAS adopted Resolution #2009-09, requesting a moratorium of oil & gas leasing in the Arctic Ocean. Primarily due to ICAS opposing any discharge of pollutants into the Arctic Ocean, including the Beaufort and Chukchi Seas. The Clean Water Act shares this goal, declaring a “national goal that the discharge of pollutants into navigable waters be eliminated by 1985.” 33 U.S.C. § 1251(a)(1). We urge EPA to consider this goal in regulating Shell’s proposed discharges to the Chukchi Sea and ask the agency to issue individual NPDES permits to Shell that forbid the discharge of any pollutants into the Chukchi Sea.

Thank you for considering our comments, and we look forward to continuing to provide to the federal government the perspectives of Alaska Native tribal governments. Please contact me if you have any questions regarding these issues.

Sincerely,



Doreen Lampe
ICAS Tribal Council President

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Resolution #2009-09

**A Resolution Supporting a Moratorium on Oil and Gas Leasing,
Exploration, and Development Activities in the Outer Continental Shelf of
Alaska's Beaufort and Chukchi Seas**

WHEREAS, the Inupiat Community of the Arctic Slope (ICAS) is a Federally-Recognized Tribal Government (Tribe) pursuant to the Indian Reorganization Act of 1936, as amended;

WHEREAS, the Tribe operates under a federally-approved Constitution and is governed by the ICAS Council, a thirteen-member Board;

WHEREAS, the Tribe represents the interests of over 9,000 members residing in the Arctic communities of Anaktuvuk Pass, Atkasuk, Barrow, Point Hope, Point Lay, Kaktovik, Nuiqsut, and Wainwright;

WHEREAS, ICAS was founded to promote the security and social welfare of its members, to exercise its powers of tribal self-government, and to advance, protect, and preserve its common interests as descendants of the aboriginal Inupiat people of the North Slope region of Alaska;

WHEREAS, ICAS members depend on the integrity of the Arctic Ocean, including the Beaufort and Chukchi Seas, and the adjacent coastal areas, for subsistence, community well-being, and cultural traditions and identity;

WHEREAS, the Arctic Ocean supports a large number of animals, including the bowhead whale, ice-seals, walrus, and beluga that are critical to the traditional way of life of ICAS members. The Arctic Ocean is our garden that has sustained coastal Alaska Native people and communities since time immemorial;

WHEREAS, the bowhead whale and all other animals of the Arctic Ocean depend on healthy ocean habitats and ecosystems;

WHEREAS, the Arctic is undergoing serious changes due to global warming;

WHEREAS, there is little Western science about many of the species that inhabit the Arctic Ocean and the effects that industrial human activities, including oil and gas leasing, exploration, and development, will have on them;

WHEREAS, the federal government in recent years has pursued a rushed policy of opening millions of acres of the Arctic Ocean for oil and gas activities;

WHEREAS, the federal government's latest offshore oil and gas five-year plan for 2007-2012 contained five new lease sales in the Beaufort and Chukchi Seas;

WHEREAS, the effects of any new lease sales would compound in unknown ways the effects of past oil and gas leasing and exploration activities across the region, including Lease Sale 193 in the Chukchi Sea;

WHEREAS, oil spills from offshore oil and gas activities pose an unacceptable risk to the Arctic Ocean's marine and coastal resources and habitats. The federal government acknowledges that, in the Chukchi Sea alone, there is a 40 percent risk of one or more large oil spills from offshore oil development. There is no proven method of cleaning up oil spills in the Arctic, especially in broken ice conditions. An oil spill could have catastrophic effects on the region's marine and coastal resources and the associated traditional life styles of ICAS members;

WHEREAS, seismic exploration associated with offshore oil and gas activities produces loud under-water noises that can harm fish and marine mammals, including bowhead whales. Increased ocean noise can change the whale's migratory paths and thereby threaten traditional whaling activities;

WHEREAS, offshore oil and gas activities will also result in increased air and vessel traffic, which can harm or scare away the animals;

WHEREAS, the Arctic is warming faster than any other place on Earth due to climate change. Many of the animals that are central to the Inupiat culture are dependent on sea ice;

WHEREAS, the past and present offshore leasing plans in the Beaufort and Chukchi Seas are inconsistent with subsistence needs of Alaska Native communities threatening the survival of the Inupiat culture and the long-term health of the Arctic Ocean;

WHEREAS, the federal government must immediately adopt a precautionary principle with regard to all industrial human activities in the Arctic Ocean; and

WHEREAS, the federal government must impose a time out to obtain sufficient baseline information for all species and habitats that comprise the Beaufort and Chukchi Sea ecosystems and to evaluate the direct, indirect, and cumulative effects of oil and gas activities on these ecosystems and associated traditional lifestyles. Any assessment must fully include the effects of global warming on sea ice, coastlines, marine resources, and subsistence uses.

NOW THEREFORE BE IT RESOLVED, that ICAS hereby supports a moratorium on all oil and gas activities in the Beaufort and Chukchi Seas; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of ICAS until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

It is hereby certified that on the 2nd day of April, 2009, a quorum of the ICAS Executive Board was present and did pass and adopt this resolution by a vote of 12 for, 0 against, and 0 abstaining.

ATTEST:

Doreen Ahgeak 04-09-09
Doreen Ahgeak, Secretary Date

Doreen Lampe
Doreen Lampe, President Date

